**National Railway Network (Financial Assistance) Act 1979**

**No. 57 of 1979**

An Act to grant financial assistance to certain States in relation to main railway lines.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

**Short title**

**1.** This Act may be cited as the *National Railway Network (Financial Assistance) Act* 1979.

**Commencement**

**2.** This Act shall come into operation on the day on which it receives the Royal Assent.

**Interpretation**

**3.** (1) In this Act, unless the contrary intention appears—

“agreement” means an agreement in force under section 5;

“main railway line” means a railway line in respect of which a declaration under section 4 is in force;

“period to which this Act applies” means the period of 5 years that commenced on 1 July 1978 and ends on 30 June 1983;

“project” means a project to improve the quality, capacity or efficiency of a main railway line, being a project to be carried out during the period to which this Act applies in a State to which this Act applies.

(2) For the purposes of this Act, each of the following States is a State to which this Act applies:

(a) New South Wales;

(b) Victoria;

(c) Queensland;

(d) Western Australia.

**Declaration of main railway lines**

**4.** (1) The Minister may, by notice published in the *Gazette,* declare the railway line that he considers to be the principal railway line linking the capital cities of 2 adjoining States to be a main railway line for the purposes of this Act.

(2) The Minister may, by notice published in the *Gazette,* declare a railway line (other than a railway line referred to in sub-section (1)) that he considers to be of national importance to be a main railway line for the purposes of this Act.

**Agreement for financial assistance**

**5.** (1) The Minister may, from time to time, on behalf of the Commonwealth, agree with a State to which this Act applies upon financial assistance to be provided by the Commonwealth to the State under this Act in respect of a project, or projects, specified in the agreement.

(2) An agreement with a State under sub-section (1) may specify conditions to which the grant of financial assistance in accordance with the agreement is subject and shall specify as such a condition that the amount of the grant shall be repayable with interest by the State in accordance with the agreement.

**Financial assistance**

**6.** Subject to this Act, financial assistance is payable to a State to which this Act applies in accordance with an agreement.

**Agreements to be tabled in Parliament**

**7.** The Minister shall cause a copy of every agreement to be laid before each House of the Parliament within 15 sitting days of that House after the date on which the agreement is made.

**Appropriation**

**8.** (1) Payments of financial assistance to a State under this Act (other than payments in the year that commenced on 1 July 1978), not exceeding in the aggregate the prescribed amount, are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

(2) In addition to the appropriation made by sub-section (1), the appropriation set out in item 05 of Division 958 of Schedule 2 to the *Appropriation Act* (*No.* 2) 1978-79 is available, according to its tenor, for the making of payments of financial assistance under this Act in the year that commenced on 1 July 1978.

(3) In this section, “prescribed amount” means the amount of $70,000,000 reduced by the aggregate of the payments of financial assistance under this Act in the year that commenced on 1 July 1978.

**Payments to be made by Minister for Finance**

**9.** Payments of amounts of financial assistance to a State under this Act shall be made by the Minister for Finance.

**Conditions**

**10.** Payment of an amount of financial assistance to a State under this Act in accordance with an agreement is subject to the following conditions:

(a) that, if the Minister for Finance so requests with respect to a project to which the agreement relates, there will be furnished to the Minister for Finance by the State, as soon as practicable after such date as the Minister for Finance specifies—

(i) a statement, in accordance with a form approved by the Minister for Finance, setting out the expenditure by the State on that project in accordance with the agreement, accompanied by a certificate of the Auditor-General of the State certifying that, in his opinion, the amounts shown in the statement as having been expended were expended in accordance with the agreement; and

(ii) such further information (if any) as the Minister for Finance specifies in his request in respect of that expenditure;

(b) that, if the Minister informs the Treasurer of the State that he is satisfied that the State has failed to fulfil the condition specified in paragraph (a), the State will repay the amount paid to the State under this Act in accordance with the agreement, or such part of that amount as the Minister specifies, to the Commonwealth.

**Deduction of amount repayable by State**

**11.** The Minister for Finance may deduct any amount repayable by a State in accordance with the condition set out in paragraph 10(b) from an amount of financial assistance payable by the Commonwealth to the State under this Act.